

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN OFFICE

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TRUSTEES OF THE PAVERS AND ROAD
BUILDERS DISTRICT COUNCIL WELFARE,
PENSION, AND ANNUITY FUNDS, and
TRUSTEES OF THE LOCAL 1010
APPRENTICESHIP, SKILL IMPROVEMENT,
AND TRAINING FUND,

Plaintiffs,

-against-

ATLANTIC STEEL SOLUTIONS, LLC,
Defendant.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
21-cv-2518 (CBA) (JRC)

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AMON, United States District Judge:

On May 6, 2021, Plaintiffs (i) Trustees of the Pavers and Road Builder District Council Welfare, Pension, and Annuity Funds, and (ii) Trustees of the Local 1010 Apprenticeship, Skill Improvement, and Training Fund (collectively, "Plaintiffs") filed suit against Atlantic Steel Solutions, LLC ("Defendant"). Plaintiffs brought this action pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132(a)(3), 1145, and Section 301 of the Labor-Management Relations Act of 1947 ("LMRA"), 29 U.S.C. § 185. (See ECF Docket Entry ("D.E.") # 9 ("Am. Compl.")). Plaintiffs seek to recover actual and estimated delinquent employer contributions, union assessments, and dues check-offs from Defendant, plus accrued interest, liquidated damages, audit costs, attorney's fees, and post-judgment interest. (Id. ¶ 32.)

On September 30, 2022, I issued an order adopting Magistrate Judge James R. Cho's report and recommendation. (D.E. # 26 ("M&O") at 2-3.) In that order, I granted Plaintiffs' motion for default judgment on the merits of the ERISA and LMRA claims, denied a portion of Plaintiffs' damages request which contained possible errors, and permitted Plaintiffs to provide supplemental papers to correct any errors. (Id.) On October 12, 2022, Plaintiffs filed supplemental declarations

correcting certain errors with their damages calculation. (D.E. ## 28-30.) Having reviewed Plaintiffs' submissions and concluding that all errors have been corrected, I award Plaintiffs the following relief:

- Plaintiffs' request for actual delinquent contributions (\$142,307.98), union assessments and dues check-offs (\$12,820.53), plus interest (\$18,143.81) and liquidated damages (\$14,230.80);
- Additional interest on actual delinquent payments from July 30, 2021 to the date of judgment;
- Plaintiffs' request for estimated delinquent contributions (\$58,497.45), union assessments and dues check-offs (\$3,260) for the period of January 2021 to May 2021, plus interest (\$1,361.04) and liquidated damages (\$5,849.75);
- Additional interest on estimated delinquent payments from July 30, 2021 to the date of judgment;
- \$2,090 in audit fees and costs;
- \$5,889.28 in attorney's fees;
- Post-judgment interest in an amount to be calculated by the Clerk of Court pursuant to 28 U.S.C. § 1961(a).

SO ORDERED.

Dated: October 20, 2022
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge